



**Jason E. Mumpower, Comptroller of the Treasury**

December 17, 2021

## **Clay County Circuit Court Clerk Indicted on Numerous Charges**

*Susan Birdwell Suspended from Office*

An investigation by the Tennessee Comptroller's Office, working in conjunction with the Tennessee Bureau of Investigation, has resulted in the indictment of Clay County Circuit Court Clerk Susan Birdwell.

Birdwell has been indicted in both Davidson County and Clay County on a total of 16 counts.

Investigators determined that Birdwell circumvented the judicial process by photocopying a judge's signature on expungement orders in at least 117 cases without the judge's prior knowledge or approval. Birdwell then filed the expungement orders with the TBI for processing. Investigators could not determine the legal sufficiency of the expungement orders due to a lack of documentation remaining in the individual cases.

Birdwell also retained at least 497 expungement orders in unsecured places within the office. State law requires the clerk to remove and destroy all public records within 60 days from the date the expungement is issued.



On August 17, 2021, Birdwell met with investigators regarding the issues with the expungement orders. She admitted it was wrong to photocopy the judge's signature and not destroy the expungement orders as required by law. Two days later, she gathered two additional binders containing expungement orders and shredded all but seven orders. She did not inform investigators about those binders and made no attempt to contact investigators before shredding the documents.

Additionally, investigators revealed that Birdwell received compensation from an employee who administered the county's traffic school. She required employees who were responsible for the operation of the traffic school to remit \$82 to her each month. Birdwell was not entitled to receive additional compensation beyond her county officer salary.

Lastly, Birdwell improperly accepted a total of \$8,464 in cash payments from citizens and then used her personal credit card to make online payments on their behalf to the Tennessee Department of Safety. The cash should have been deposited with the Clay County Trustee's Office. Birdwell earned at least \$169.28 in cash back rewards on her credit card because of her payments made to the Tennessee Department of Safety.

On November 10, 2021, the Davidson County Grand Jury indicted Susan Beth Birdwell for six counts of forgery, three counts of tampering with governmental records, and two counts of official misconduct.

On December 14, 2021, the Clay County Grand Jury indicted Birdwell for one count of soliciting unlawful compensation, one count of misrepresenting information to a state auditor, and three counts of official misconduct.

On December 16, 2021, Birdwell was suspended from office by Order of Suspension by the Honorable Criminal Court Judge of the Thirteenth Judicial District by Designation. Jennifer Louann Ritter was appointed to serve as Circuit Court Clerk *Pro Tempore* during Birdwell's suspension.

To view the investigative report, go to: <https://comptroller.tn.gov/office-functions/investigations/find.html>

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